

REMARKS/ARGUMENTS

Claims 1-8, 10, 12-19, 21 and 23 are pending and are under examination. Claims 3, 4, and 15 are herein canceled without prejudice or disclaimer. Claims 28-35 are newly presented. Claims 1, 2, 5-8, 10, 12-14, 16-19, 21 and 23 are to be amended to more particularly claim compounds wherein A and A¹ are adamantyl. Support for this subject matter is found in *inter alia* previous versions of the claims and on pages 10, line 21 to page 13, line 30. In view of the above, Applicants believe the amendments to the claims add no new matter and respectfully request their entry. After entry of these amendments, claims 1, 2, 5-8, 10, 12-14, 16-19, 21, 23, and 28-35 will be pending.

Claims 1, 2, 13, 16 and 17 stand finally rejected under 35 U.S.C § 102(b) as alleged anticipated by Abramovitch et al. (Chem. Abstract 95: 18016, "Abramovitch et al.").

Claims 1-3, 5-6, 13, 14, 16, and 17 stand finally rejected under 35 U.S.C. § 103(a) as allegedly obvious in view of Krumkalns et al. (U.S. Patent No. 6,090,853, "Krumkalns et al.").

Claims 4, 7, 8, 10, 12, 15, 18, 19, 21, and 23 stand objected to for allegedly being dependent upon a rejected base claim.

Reconsideration of the application is respectfully requested in view of the above amendments to the claims and the following remarks. For the Examiner's convenience and reference, Applicants' remarks are presented in the order in which the corresponding issues were raised in the Office Action.

I. REJECTION UNDER 35 U.S.C § 102(b)

Claims 1, 2, 13, 16 and 17 stand finally rejected under 35 U.S.C § 102(b) as alleged anticipated by Abramovitch et al. (Chem. Abstract 95: 18016, "Abramovitch et al."). The Examiner alleges that Abramovitch et al. teach the compound having CAS Registry No. 79249-69-7 upon which the claims of the present invention read. Without acquiescing to the propriety of the rejection, and in view of the amendment to the claims, Applicants respectfully request reconsideration.

Applicants have amended claims 1, 7, 13, and 18 to set forth particular A, A¹, R¹, R¹¹, R² and R¹² groups of the present invention. Claim 1 now recites that A is adamantyl; R¹ is a

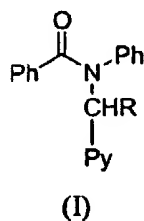
member selected from the group consisting of heteroaryl and heteroaryl(C₁-C₈)alkyl; and R² is heteroaryl when R¹ is heteroaryl and is heteroaryl(C₁-C₈)alkyl when R¹ is heteroaryl(C₁-C₈)alkyl.

Claim 7 now recites that A is adamantyl, R¹ is selected from the group consisting of 1-(furan-2-yl)ethyl, 1-(pyridin-2-yl)ethyl, 1-(furan-2-yl)-2-propyl, 1-(2-pyridyl)-2-propyl, 1-(furan-2-yl)isobutyl, 1-(3-pyridyl)isobutyl, 1-(pyridin-4-yl)ethyl, 1-(pyridin-4-yl)isobutyl, 1-(2-furanyl)-3-butenyl, and 1-(3-furanyl)-3-butenyl and R² is selected from the group consisting of heteroaryl(C₁-C₈)alkyl and heteroaryl.

Claim 13 now recites that A¹ is adamantyl; R¹¹ is a member selected from the group consisting of heteroaryl and heteroaryl(C₁-C₈)alkyl; and R¹² is heteroaryl when R¹¹ is heteroaryl and is heteroaryl(C₁-C₈)alkyl when R¹¹ is heteroaryl(C₁-C₈)alkyl.

Claim 18 now recites that A¹ is adamantyl, R¹¹ is selected from the group consisting of 1-(furan-2-yl)ethyl, 1-(pyridin-2-yl)ethyl, 1-(furan-2-yl)-2-propyl, 1-(2-pyridyl)-2-propyl, 1-(furan-2-yl)isobutyl, 1-(3-pyridyl)isobutyl, 1-(pyridin-4-yl)ethyl, 1-(pyridin-4-yl)isobutyl, 1-(2-furanyl)-3-butenyl, and 1-(3-furanyl)-3-butenyl and R¹² is selected from the group consisting of heteroaryl(C₁-C₈)alkyl and heteroaryl.

In contrast, Abramovitch et al. disclose on pages 561-2 of J.C.S. Chem. Comm. 561 (1981) (which is the article abstracted in the Examiner's citation), the compound having formula (I) below:

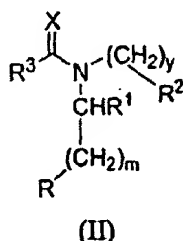


wherein R is H, Me, or Ph.

In view of the amendments to claims 1, 7, 13, and 18, Applicants submit that Abramovitch et al. *fail to disclose* any compounds in which the A or A¹ group is adamantyl as set forth in amended claims. Accordingly, Applicants submit that the Abramovitch et al. reference fails to anticipate the present invention and respectfully request that this rejection be withdrawn.

II. REJECTION UNDER 35 U.S.C. § 103(a)

Claims 1-3, 5-6, 13, 14, 16, and 17 stand rejected under 35 U.S.C. § 103(a) as allegedly obvious in view of Krumkalns et al. (U.S. Patent No. 6,090,853, "Krumkalns"). The Examiner alleges that Krumkalns et al. teach a generic group of N, N-disubstituted carboxamide derivatives that embrace Applicants' instantly claimed compounds. The Examiner points to the compounds having formula II below:



wherein:

R and R² independently are 3-pyridyl, 4-pyridyl, C₄-C₁₀ alkyl, C₂-C₁₀ alkenyl, C₃-C₈ cycloalkyl, C₁-C₄ alkyl substituted C₃-C₈ cycloalkyl, 3,4-(methylenedioxy)phenyl or substituted phenyl; provided that at least one of R and R² is 3-pyridyl or 4-pyridyl;

m and y independently are 0 or 1;

R¹ is H or C₁-C₄ alkyl;

X is O or S;

R³ is hydrogen, C₁-C₁₀ alkyl, C₁-C₁₀ haloalkyl, C₁-C₁₀ alkoxy, C₁-C₁₀ haloalkoxy, C₃-C₈-cycloalkyl, C₁-C₄ alkylene-Z-R⁴, NH(CO)_mR⁴, phenyl-(X)_m- or substituted phenyl-(X)_m-; wherein Z is O, S, CO or a direct link; R⁴ is C₁-C₁₀ alkyl, C₁-C₁₀ alkoxy, C₂-C₁₀ alkenyl, C₃-C₈ cycloalkyl, C₁-C₄ haloalkyl, phenyl, or substituted phenyl; with the proviso that when R³ is -NH-phenyl or -NH-substituted phenyl, R² is other than a 4 carbon alkyl chain.

(Col. 1, lines 31-64)

Applicants note that Krumkalns et al. at Col. 2 lines 7 to 18 define C₃-C₈ cycloalkyl as representing "saturated monocyclic cycloalkyl groups such as cyclopropyl, cyclobutyl, cyclopentyl, cyclohexyl, cycloheptyl, and cyclooctyl".

Applicants have amended claims 1, 7, 13, and 18, which render the premise for the rejection of these claims moot. In contrast to Krumkalns et al., Applicants disclose and claim compounds having an adamantyl substituent on the amide carbonyl.

Krumkalns et al. simply *does not teach or suggest* any compounds in which the A or A¹ group can be adamantyl as set forth by Applicants. Applicants submit that the limited teaching of Krumkalns et al. would also fail to motivate one skilled in the art to prepare any compounds other than ones in which R³ is a monocyclic cycloalkyl group. In the absence of any direction in Krumkalns et al., Applicants submit that Krumkalns et al. does not teach or suggest the claimed features of the present invention and respectfully request that the present rejection be withdrawn.

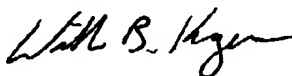
III. OBJECTION FOR BEING DEPENDENT UPON A REJECTED BASE CLAIM

Applicants believe all base claims now pending in this Application are in condition for allowance. In view of the above, the Applicants respectfully request the above objection be reconsidered and withdrawn.

CONCLUSION

The issuance of a formal Notice of Allowance at an early date is respectfully requested. If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 925-472-5015.

Respectfully submitted,



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